

NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Law No. 51/2019/QH14

Hanoi, November 25, 2019

LAW

**AMENDMENTS TO A NUMBER OF ARTICLES OF LAW ON ENTRY, EXIT, TRANSIT
AND RESIDENCE OF FOREIGNERS IN VIETNAM**

Pursuant to Constitutions of Socialist Republic of Vietnam;

National Assembly promulgates Law on amendments to a number of Articles of Law on entry, exit, transit and residence of foreigners in Vietnam No. 47/2014/QH13.

Articles 1. Amendments to a number of Articles of Law on entry, exit, transit and residence of foreigners in Vietnam

1. Add Clause 18 and Clause 19 after Clause 17 Article 3 as follows:

“18. *Websites for immigration* refer to websites of immigration authorities, capable of publishing information, providing public information online, assisting conducting search, connecting, storing information, providing instructions for procedures and answering questions relating to the field of entry and exit management.

19. *Websites for issuance of electronic visa* refers to websites affiliated to websites for immigration, capable of receiving, processing and providing information relating to issuance of electronic visa.”.

2. Amendments to Article 7 as follows:

“Article 7. Forms and uses of visa

1. Visa shall be issued and attached to passport, issued separately or issued via electronic transaction. Visas issued via electronic transaction are called electronic visas.

2. Visas shall be issued individually for each person, except for cases bellow:

a) Visas for children under 14 years of age travelling on passports of their parents or guardians shall be issued together with visas thereof;

b) Visas shall be issued according to lists issued by immigration authorities with respect to foreigners visiting and travelling or transiting by sea who have the need to enter inland for visiting and tourism purposes according to programs organized by international tourism

enterprises in Vietnam; members of foreign military ships travelling under official programs of tours outside of central-affiliated cities and provinces where their ships anchor.

3. Visas can be used once or multiple times; electronic visas and visas issued under circumstances specified in Point b Clause 2 of this Article can be used once.

4. A visa of an individual cannot be repurposed, except for cases below:

a) He/she presents document proving to be an investor or a representative for foreign organization investing in Vietnam as per the law of Vietnam;

b) He/she presents document proving his/her relationship with person inviting or sponsoring in terms of parents, spouse, children;

c) He/she is invited or sponsoring by agencies or organizations and presents work permit or confirmation of eligibility for work permit exemption according to labor laws;

d) He/she makes entry by electronic visa and presents work permit or confirmation of eligibility for work permit exemption according to labor laws.

5. In case a person repurposes visa as specified in Clause 4 of this Article, he/she shall be issued with a new visa with number and time limit suitable with the new purpose. Procedures for issuance of new visas shall comply with Article 19 of this Law.”.

3. Amendments to Clauses of Article 8 as follows:

a) Amendments to Clause 4 as follows:

“4. NG4 – Issued to persons who come to work with diplomatic missions, consular missions, representative offices of international organizations affiliated to United Nation, intergovernmental representative offices and accompanying spouses, children under 18 years of age; visitors of diplomatic missions, consular missions, representative offices of international organizations affiliated to United Nation and intergovernmental representative offices.”;

b) Amendments to Clause 7 as follows:

“7. LS – Issued to foreign lawyers practicing in Vietnam.”;

c) Insert Clauses 7a, 7b, 7c and 7d after Clause 7 as follows:

“7a. DT1 - Issued to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam and contributing capital of VND 100 billion or more or investing in business lines benefitting from investment incentives, in administrative divisions benefitting from investment incentives decided by the Government.

7b. DT2 - Issued to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam and contributing capital of VND 50 billion to less than VND 100 billion or investing in business lines benefitting from investment incentives treatment decided by the Government.

7c. DT3 - Issued to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam and contributing capital of VND 3 billion to less than VND 50 billion.

7d. DT4 - Issued to foreign investors in Vietnam and representatives of foreign organizations investing in Vietnam and contributing capital of less than VND 3 billion.”;

d) Amendments to Clause 8 as follows:

“8. DN1 – Issued to foreigners working with other enterprises and organizations that are juridical person as per the law of Vietnam.”;

dd) Insert Clause 8a after Clause 8 as follows:

“8a. DN2 – Issued to foreigners making entry to promote services, establish commercial presence or conducting other activities according to international agreements to which Vietnam is a signatory.”;

e) Amendments to Clause 16 as follows:

“16. LD1 – Issued to foreigners working in Vietnam and certified of eligibility for work permit exemption, unless otherwise specified by international agreements to which Vietnam is a signatory.”;

g) Insert Clause 16a after Clause 16 as follows:

“16a. LD2 – Issued to foreigners working in Vietnam requiring work permit.”;

h) Amendments to Clause 18 as follows:

“18. TT – Issued to foreigners that are spouses or children under 18 years of age of foreigners issued with LV1, LV2, LS, DT1, DT2, DT3, NN1, NN2, DH, PV1, LD1 or LD2 visas or foreigners that are parents, spouses or children of Vietnamese citizens.”;

i) Insert Clause 21 after Clause 20 as follows:

“21. EV - Electronic visas.”.

4. Amendments to Clauses of Article 9 as follows:

a) Amendments to Clause 1 as follows:

“1. Time limits of SQ and EV visas do not exceed 30 days.”;

b) Amendments to Clause 4 as follows:

“4. Time limits of NG1, NG2, NG3, NG4, LV1, LV2, DT4, DN1, DN2, NN1, NN1, NN3, DH, PV1, PV2 and TT visas do not exceed 12 months.”;

c) Amendments to Clause 5 as follows:

“5. Time limits of LD1 and LD2 visas do not exceed 2 years.”;

d) Insert Clause 5a after Clause 5 as follows:

“5a. Time limit of DT3 visa does not exceed 3 years.”;

dd) Amendments to Clause 6 as follows:

“6. Time limits of LS, DT1 and DT2 visas do not exceed 5 years.”;

e) Insert Clause 9 after Clause 8 as follows:

“9. International agreements to which Vietnam is a signatory shall prevail in case such international agreements specify otherwise.”.

5. Amendments to Clauses of Article 10 as follows:

a) Amendments to Clause 2 as follows:

“2. Invited or sponsored by agencies, organizations or individuals in Vietnam, except for cases specified in Article 16a, Article 16b and Clause 3 Article 17 of this Law.”;

b) Insert Clause 5 after Clause 4 as follows:

“5. Electronic visas shall be issued to foreigners possessing passports and not falling into categories specified in Clauses 1, 2, 3 and 4 Article 8 of this Law.”.

6. Insert Clause 5 after Clause 4 Article 11 as follows:

“5. Visas shall be issued as specified in Point b Clause 2 Article 7 of this Law.”.

7. Insert Clause 3a after Clause 3 Article 12 as follows:

“3a. Entering coastal economic zones decided by the Government if fully satisfying following conditions: having international airports; having private space; having defined geographical border and separate from inland; in conformity with socio-economic development policies and not harming national defense and security, social safety and order of Vietnam.”.

8. Insert Clause 7 after Clause 6 Article 16 as follows:

“7. Agencies and organizations inviting or sponsoring foreigners may choose to send application for issuance of visas for foreigners and receive response via electronic transaction at websites for immigration if conditions specified in Clause 1 Article 16b of this Law are fully satisfied.”.

9. Add Article 16a and Article 16b after Article 16 as follows:

“Article 16a. Procedures for issuance of electronic visas at request of foreigners

1. Foreigners requesting for issuance of electronic visas shall perform as follows:

a) Declare information in application for issuance of electronic visas and upload photo and passport record in information site for issuance of electronic visas;

b) Submit fees for visa issuance to accounts specified in information site for issuance of electronic visas after receiving code of electronic profiles of immigration authorities.

2. Immigration authorities shall consider, process and respond to applicants at the information site for issuance of electronic visas within 3 working days from the date on which all information and fees for visa issuance have been received.

3. Foreigners issued with electronic visas shall use code of electronic profiles to check and print results of issuance of electronic visas at information site for issuance of electronic visas.

Article 16b. Procedures for issuance of electronic visas at request of agencies and organizations

1. Agencies and organizations specified in Clause 2 Article 16 of this Law may request issuance of electronic visas for foreigners when all following conditions are satisfied:

a) Own electronic accounts granted by immigration authorities as specified in Clause 2 of this Article;

b) Own electronic signatures according to Law on E-Transactions.

2. Registration of electronic accounts is as follows:

a) Agencies and organizations shall send application for issuance of electronic accounts to immigration authorities. Application for issuance of electronic accounts can only performed once, except for cases of changes to contents or termination of accounts as specified in Clause 7 of this Article;

b) Immigration authorities shall respond in written form and grant electronic accounts within 3 working days from the date on which applications of agencies and organizations are received, in case of rejection, specify reasons in written form.

3. Agencies and organizations specified in Clause 1 of this Article shall use electronic accounts to access to information site for issuance of electronic visas to request issuance of electronic visas for foreigners; submit fees for issuance of electronic visas to accounts specified in information site for issuance of electronic visas after receiving code of electronic profiles of immigration authorities.

4. Immigration authorities shall consider, process and respond to agencies and organizations at the information site for issuance of electronic visas within 3 working days from the date on which all information and fees for visa issuance have been received.

5. Agencies and organizations shall login to information site for issuance of electronic visas, use code of electronic profiles to receive response of immigration authorities and inform foreigners.

6. Foreigners issued with electronic visas shall use code of electronic profiles informed by agencies and organizations to check and print results of issuance of electronic visas at information site for issuance of electronic visas.

7. Electronic accounts shall be terminated at request of agencies and organizations possessing them; agencies and organizations which are having accounts and reorganized, dissolved, going bankrupt or violating regulations and law regarding electronic transactions or immigration management. Immigration authorities shall terminate electronic accounts and respond in written form to inform agencies and organizations owning accounts.”.

10. Add Article 19a after Article 19 in Chapter II as follows:

“Article 19a. Nationals eligible for issuance of electronic visas and international border checkpoints for entry and exit of foreigners on electronic visas

1. Nationals satisfying conditions specified in Clause 1 Article 13 of this Law shall be eligible for issuance of electronic visas.

2. The Government shall decide list of nationals eligible for issuance of electronic visas and list of international border checkpoints for entry and exit of foreigners on electronic visas.”.

11. Amendments to Article 20 as follows:

“Article 20. Entry eligibility

1. A foreigner shall be permitted for entry if he/she:

a) possesses a passport or documents enabling international travel, except for cases of visa-free entry as specified in this Law.

Passport of a foreigner wishing to make entry in form of unilateral visa-free must be valid at least for another 6 months; and

b) does not fall into categories of entry suspension specified in Article 21 of this Law.

2. A foreigner making entry on electronic visas must fully satisfy all conditions specified in Clause 1 of this Article and make entry via international border checkpoints decided by the Government.”.

12. Amendments to Article 27 as follows:

“Article 27. Exit eligibility

1. A foreigner shall be permitted for exit if he/she:

a) possesses a passport or documents enabling international travel; and

b) temporary residence certificate, temporary resident card or permanent residence card of his/hers is still valid;

c) does not fall into categories of exit suspension specified in Article 28 of this Law.

2. A foreigner making exit on electronic visas must fully satisfy all conditions specified in Clause 1 of this Article and make exit via international border checkpoints decided by the Government.”.

13. Amendments to Clause 1 Article 31 as follows:

“1. A foreigner making entry without having a valid temporary resident card or permanent residence card shall be issued with a temporary residence certificate at the border checkpoint valid within definite period as follows:

a) Period of temporary residence granted shall equal his/her visa validity; in case his/her visa is encoded as DL and valid for more than 30 days, he/she shall be granted temporary residence for 30 days and shall be considered for extension of temporary residence as specified in Article 35 of this Law;

b) If he/she is benefitting from visa-free entry according to international agreements to which Vietnam is a signatory, period of temporary residence shall be granted according to the international agreements or for 30 days should the international agreements not specify period of temporary residence;

c) A national benefitting from unilateral visa-free entry treatment of Vietnam shall be granted temporary residence for 15 days if he/she enters special administrative - economic zones or for periods specified in Point d of this Clause if he/she enters coastal economic zones specified in Point 3a Article 12 of this Law;

d) He/she who does not fall into cases specified in Points a and b of this Clause and enters economic zones of border checkpoint areas shall be granted temporary residence of 15 days;

he/she who enters special administrative – economic zones or coastal economic zones specified in Point 3a Article 12 of this Law shall be granted temporary residence for 30 days.”.

14. Amendments to Article 36 as follows:

“Article 36. Cases of issuance of temporary resident cards and symbols thereof

1. Cases of issuance of temporary resident cards include:

a) Foreigners who are members of diplomatic missions, consular missions, representative offices of international organizations affiliated to United Nation, intergovernmental organizations in Vietnam and spouses, children under 18 years of age and helpers accompanying on missions;

b) Foreigners making entry on LV1, LV2, LS, DT1, DT2, DT3, NN1, NN2, DH, PV1, LD1, LD2 and TT visas.

2. Temporary resident cards shall be granted symbols as follows:

a) Temporary resident cards for individuals specified in Point a Clause 1 of this Article shall be granted NG3;

b) Temporary residence cards for individuals specified in Point b Clause 1 of this Article shall be granted symbols similar to visa symbols.”.

15. Amendments to Clauses of Article 37 as follows:

a) Amendments to Point d Clause 1 as follows:

“d) Documents proving eligibility specified in Clause 1 Article 36 of this Law.”;

b) Amendments to Point b Clause 2 as follows:

“b) Agencies, organizations and individuals directly inviting or sponsoring shall submit application for issuance of temporary resident cards for foreigners specified in Point b Clause 1 Article 36 of this law at immigration authorities where the inviting or sponsoring agencies or organizations are based or where the inviting or sponsoring individuals reside;”.

16. Amendments to Article 38 as follows:

“Article 38. Validity of temporary resident card

1. Validity of issued temporary resident cards shall be at least 30 days shorter than remaining validity of passports.

2. Validity of DT1 temporary residence cards does not exceed 10 years.

3. Validity of NG3, LV1, LV2, LS, DT2 and DH temporary residence cards do not exceed 5 years.

4. Validity of NN1, NN2, DT3 and TT temporary residence cards do not exceed 3 years.

5. Validity of LD1, LD2 and PV1 temporary residence cards do not exceed 2 years.

6. An expired temporary resident card shall be considered for issuance anew.”.

17. Amendments to Clause 2 and addition of Clause 3 after Clause 2 Article 46 as follows:

“2. Regulate construction, update, connection, utilization and share of information in database for entry, exit, transit and residence of foreigners in Vietnam; cooperation mechanism among ministries, ministerial agencies, People’s Committees of provinces and central-affiliated cities in managing entry, exit, transit and residence of foreigners in Vietnam.

3. Regulate foreigners making entry into economic zones of border checkpoint areas, special administrative - economic zones and coastal economic zones specified in Clause 3 and Clause 3a Article 12 of this Law wishing to visit other destinations of Vietnam; issuance of visas for foreigners making entry into Vietnam according to international agreements to which Vietnam is a signatory without commercial presence or partners in Vietnam; form of issuance of temporary residence certification for foreigners making entry into Vietnam; foreigners making entry and exit via automatic security barriers.”.

18. Amendments to Clauses of Article 47 as follows:

a) Amendments to Clause 5 as follows:

“5. Control entry, exit and entry at border checkpoints under management of Ministry of Public Security as per the law.”;

b) Insert Clause 10 after Clause 9 as follows:

“10. Develop and manage information sites for issuance of electronic visas, publicize name of website for immigration.”.

19. Amendments to Clause 2 Article 49 as follows:

“2. Control entry, exit and transit at border checkpoints under management of Ministry of National Defense as per the law; issue, revise and revoke visas, issue temporary residence certificate as specified in this Law.”.

Article 2. Entry into force

This Law comes into force from July 10, 2020.

This Law is approved in the 8th session of the 14th National Assembly of the Socialist Republic of Vietnam in November 25, 2019.

CHAIRPERSON OF NATIONAL ASSEMBLY

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